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The Opinion

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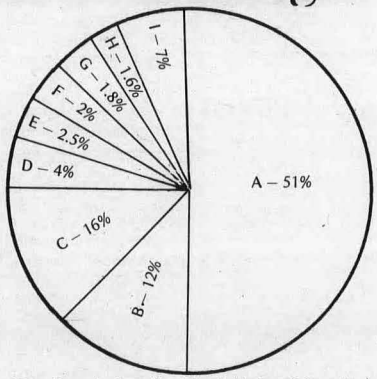
SBA Delves Into 1974-75 Budget



A: SBA Organization (Social, Athletic, Orientation); B: Distinguished Visitors; C: *Opinion*; D: BALSA; E: Moot Court; F: Law Women; G: International Law; H: LSCRRC; I: All others (Law Wives, BLP, PRLSA, Lawyers Guild, Environmental Law, Gay Law).

by Ray Bowie

SBA last week began deliberation of the 1974-75 budget prepared, for the first time in the spring semester, by Treasurer Sara Zurenda and the Budget Committee in response to a Sub Board I requirement that all student government budgets be filed by May 15, rather than in the fall as in past practice. Sub Board I is the custodial agent for student government funds, and unless budgets are submitted by the deadline set, SBA will reportedly have no claim on next year's activity funds.

In over two hours of budget discussion on May 3, however, the SBA Directors had tentatively approved only the SBA organizational budget and general budgeting guidelines, leaving the social, athletic, and individual organization budgets yet to be considered. SBA President Don Lohr was hopeful that the remainder of the budgets would be approved prior to May 15, but as the final issue of *Opinion* went to press, other directors expressed pessimism as to that deadline.

As recommended by the Budget Committee, which had held hearings on each budget request, the 1974-75 budget saw an expected increase in available monies next year, attributable to the larger student body, but nonetheless contained cuts in the level of funding for most groups due to greater allocations for SBA operations themselves

Delivering the Committee's report at the May 3 meeting, Treasurer Zurenda stated that enrollment next year was estimated at 765 students, providing $22,950 in activity fees. In addition to new funds, SBA is figuring upon an almost $7500 "carry-over" of money unspent by SBA organizations this year, $3,506 of which will be reserved for the settlement of a possible suit against SBA by FSA for past vending machine revenues. Consequently, the $3,991 left unencumbered from this year's unspent budget brings the total amount available next year to $26,941.50.

The Treasurer noted that additional unspent money from this year may become available for next year's budgeting and could be allocated supplementally next September. She warned the directors, however, that the budget was "tight" at this point and should not exceed expected revenues.

Prior to the consideration of budgets, the SBA approved general budget guidelines for fixing allocation formulas for various activities. Office supplies were limited to $25 per organization, while convention expenses, which most organizations request, were calculated on the cost of air fare for one person plus $75 for food and lodging. While the total amount for convention expenses was limited to $500 per organization, the directors deleted a provision barring organizations from requesting supplemental convention money next year.

For the first time, organizations were allowed money for intra-county travel expenses, such money limited to $10 per organization to provide transportation for invited speakers and guests. In addition, full-service telephones were, due to organization dissatisfaction with the campus phones they had this year, supplied for those organizations sharing offices in rooms 118 (Lawyers Guild, LSCRRC, ELS, Gay Law Students), 506 (BALSA), 509 (AWLS), and 604 (PRLSA, ACLU, International Law).

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Criminal Law Panel: (l to r) Don Michaels, Dr. Franklin Kameny, Prof. Holley, Shelley Taylor Convissar Captain Kenneth P. Kennedy, City Court Judge Al Mazur, Bruce Voeller

Conference Studies Legal Status of Gay Individuals

The legal situation of the gay community was the general subject of discussion and debate during the day-long conference held in the law school on Friday, May 3. *Gay Rights and the Law*, planned by three first year law students, dealt with the specific legal disabilities of homosexuals in our society from the perspective of the five areas of the law which most significantly affect the gay community.

With the aid and cooperation of law school faculty, gay activists, practicing attorneys and representatives of the Buffalo legal system, the well-attended conference succeeded in providing its audience with a realistic understanding of the peculiar, yet pervasive, problems of gay individuals in the legal system and how best to litigate and legislate in their interests.

The five main areas which were covered separately in the panel discussions throughout the day included legislation and litigation potential, employment discrimination, student-civil rights, family-property law, and criminal law.

Each panel consisted of representatives of the practicing legal world, the academic legal sphere, and the gay movement. Included among the gay activists were the nationally known Franklin Kameny and Bruce Voeller of the National Gay Task Force, William Thom of the Lambda Defense Fund, and Nath Rockhill of the New York State Coalition of Gay Organizations. Also participating were law professors Jacob Hyman, Howard Mann, Louis Swartz and Dannye Holley as well as Buffalo attorneys Barbara Handschu and William Gardner and Syracuse attorney Bonnie Strunk. The Criminal Law panel also featured Buffalo City Court Justice Alois Mazur and Captain Kenneth P. Kennedy of the Vice Squad.

The student organizers of the conference, Shelley Taylor Convissar, Eileen Katz and Sue Silber, hoped that the conference would supplement the law school curriculum in this area. The education of the law student population was of primary importance in their planning since today's lawyers are confronted in many areas of the law with the specific legal problems of our substantial gay population. Estimated at 14 to 20 million in the country, the gay community is clearly a large one. In the criminal law field alone, states which criminalize consensual sodomy between adults, as does New York State, thereby place in legal jeopardy the entire gay population in that jurisdiction,. Realizing that the number of gays in New York alone has been estimated at 2 million and the severity of the sanctions for this "crime" range from three months to life imprisonment across the country, the involvement of legal advisors is extremely important and, therefore, should be informed.

Despite the American Psychiatric Association's removal of homosexuality from their list of mental disorders, the legal system still reflects the unenlightened view that gay people may be treated differently from their heterosexual counterparts in the law. As conference participants pointed out, however, it is not only the legal system in its statutory confines but the prejudices of judges in many cases which color the legal treatment of gays. In an attempt to understand the social and political forces operating against the homosexual in most areas of the law, the conference began by examining the potential of the litigative and legislative approaches to legal reform for gay advancement. It was disclosed that several test cases are now being litigated which should confront many laws, but legislative efforts are also being made, in this state among others, to pass a bill of rights for gays.

In the area of employment discrimination, the conference panelists were somewhat optimistic about the potential for legal protection of gay people fired or not hired solely on the basis of their sexual orientation. Although the audience was cautioned that such reform would not occur until gay people in all the occupations identified themselves as such, other speakers offered more legally relevant solutions. Pointing to the increased sensitivity of the U.S.Supreme Court to the right of privacy and personal rights, Mr. Hyman expressed hope that the situation could be litigated. Although he agreed that the litigative approach is underestimated and should be tested, Dr. Kameny thought the legislative tack might be more productive for the gay movement since it could encompass the legal welfare of more than the one litigating plaintiff in an employment action. Although no Supreme Court decision has as yet vindicated the rights of gays to unhampered employment opportunities, the upcoming court agenda should afford them the chance.

The family-property law panel was less optimistic yet just as informative. Cautioning that the legal system cannot deal with all of the types of harassment which gay people endure, attorney William Gardner discussed the "custom barrier" which the legal system reflects in gay marriage and child custody suits. Adding to his assessment, Barbara Handschu described the situation of two of

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Editorials

Silver Clouds, Dark Linings

With the last issue of the academic year has come the opportunity to reflect, with some degree of detachment, upon the developments of the year now passing, the year in which the law school's dream of an adequate physical plant became reality.

To be sure, O'Brian Hall had its "bugs," ranging from no heat to balky elevators, but by the time of the building's dedication this April, the early grumbling had given way to appreciation, or at least satisfaction, with a physical plant which was for once commensurate with the School's mission.

Ironically, the removal of physical deficiencies as the perennial problem has had the effect of shifting attention to other problems which had previously paled beside facilities shortcomings, particularly problems relating to preceived academic deficiencies in the professional program. As might be expected, academic deficiencies were first felt by students, and various deficiencies have been protested this year by business, labor, environmental, and international law afficianados. The administration, while highly defensive about allegations of such deficiencies, has at least recognized "problem areas" in the curriculum and made efforts, albeit of midlin success, at remedy.

Faculty-student relationships seemed to prosper in the improved facilities, if for no other reason than that the relative isolation of North Campus virtually forced interaction. To the surprise of almost everyone, the faculty, faced with widespread student dissatisfaction, reversed itself on the addition of a Q+ tier to the grading system, implicitly conceding that it might have made a mistake in not working in closer consultation with students. Perhaps out of that confrontation, now amicably resolved, will come the mutual respect and reciprocal trust that ought ideally to characterize faculty-student relations.

Much criticism, some well-founded and some utterly vacuous, has been directed at the administration this year, but though our administrators have certainly suffered their share of gaffs, one can only be appreciative at the accessibility of people from Provost Schwartz on down through the hierarchy. If accessibility is indeed the sine qua non of successful administration, then we ought to have confidence that the student voice, however critical at times, will be heard in the offices where policy is made and implemented.

The year the Law School acquired its new facilities was, due obviously to the availability of those facilities, the year in which admissions were greatly expanded, resulting in over 300 students entering the first-year class. The enlarged student body encouraged hopes for a greater diversity of student interests and the reinvigoration of student life at the Law School, but for some inexplicable reason, the end of the year has brought observations that the old *bete noir* of student life, apathy, has only kept pace with or even exceeded the expansion in numbers.

Worse even than the apathy, however, is the unfortunate rancor which has polarized those students who have been active in extracurricular activities this year, a rancor and polarization attributable to the insistence of a relative few that ideology be injected into student activities previously of a professional character. With the vast majority of students insulated in their apathy, the "ideologues" and the "professionals" seem indeed to be squaring off against one another at all levels, with the inevitable result that the banners of professionalism have been left in sorry tatters.

There are, of course, other problems on the horizon, among them placement difficulties and faculty appointments, but if this School is to succeed in its high aspirations, the more immediate problem is the troubling issue of "professionalism," as it includes within its scope the very definition of professional education, the image of the professional student, and even the destiny of the legal profession.

It is not too much to suggest that, unless this persistent problem is given attention, all the achievements of the past year might well have ultimately been for naught.

"Teat Suckling, Editor Biting"

To the Editor,

As I read the last issue of the *Opinion* in its entirety, including "news stories," "editorials," "editorial notes," and "Briefs," I see the following general picture of the Law School as the view of *Opinion's* editor:

Because of (1) encroachment on the "professional program" curriculum by "social justice" courses dealing with civil liberties, criminal procedure, consumerism, women's rights, law and social change, etc; and (2) constant distractions by "radicals," including speakers, posters, and appearances at SBA meetings (not to mention more exotic activities like "cow-slaughtering" and "teat-suckling");

It's getting hard to concentrate on the basic purpose of legal education: learning how to make money.

At the risk of biting the editor that feeds me, I hope it gets even worse.

John Stuart

Editor's note: With this level of debate, John, it certainly will. But for those readers who prefer a more intelligent exposition of the issues involved in defining the professional program, *Opinion* has printed what we hope is the first installment of an open discussion of those issues on page 3, "Whither the Professional Program?"

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May 14, 1974

Opinion

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Nixon Tax Called Fraud

To the editor:

The report issued by the highly respected and nonpartisan staff of the Joint Committee on Internal Revenue Taxation of the Congress has disclosed that President Nixon owes $444,022 in back taxes plus interest for the years 1969-1972. This has alarmed and shocked the nation. The President's tax problems have severely damaged his ability to remain in office.

This report on Mr. Nixon's taxes also found instances of improper conduct that had not been brought to public attention before. The prestigious committee revealed that a number of Federal expenditures during Mr. Nixon's first term had benefitted him personally and should have been taxed as personal income.

Among these illegal expenditures were $92,298 in public funds used to improve Nixon's private estates and $5,391 in Federal funds used for a "masqued ball" given by his daughter Tricia.

Article II, Section 1, Paragraph 7 of the Constitution of the United States is as follows:

"The President shall, at stated times, receive for his services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any

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UB International Law Society Attends D.C. Conference

by Robin A. Skinner

"U.S. realtions with Canada and Mexico" was the topic of the 68th Annual Meeting of the American Society of International Law held recently in Washington, D.C. Nine members of the International Law Society attended the three-day conference of symposia, panel discussions and workshops. Distinguished members of the bar from several nations were in attendance, as experts from the three countries on the North American continent presented their views on relevant topics in continental relations.

The workshop on "Revising the Rules of War" drew a particularly large audience. There the results of the February-March 1974 Diplomatic Conference were discussed as was the upcoming continuation of the conference in the fall. The focal points included expansion of the Geneva Conference to improve its operation in periods of war and expansion of protection of civilians in time of war. An amendment to Article I of that Conference was discussed which would include, as international conflict, wars against alien occupation, colonial domination, and racist regimes. Limitation of weapons was also discussed in light of Swedish proposals that would ban the use of indiscriminate or tortuous methods of warfare. A special committee of experts from several governments will be held in June under the sponsorship of the International Red Cross to further analyze such weapons and to make recommendations to the full conference in the fall.

Of special interest in this age of multinational corporations was the panel "Should Investment Capital Stay Home?" In the Canadian-U.S. dialogue, it was revealed that most Canadians favor at least partial restrictions on the U.S. investment of capital in their country. The Foreign Investment Review Act recently passed in Canada sets up some internal control over new investments by corporations in Canada. Senator Vance Hartke (D-Indiana) outlined his proposal that U.S. capital should stay at home, not only for the benefit of the other nations, but also as a boost to our own sagging economy as well. His suggestions included the passage of an effective Foreign Investment Control Act by Congress (a bill which he has twice presented to the Senate), the establishment of a North American Common Market, and drastic changes in U.S. tax laws which give credits for capital gains made in foreign countries. William Tetley of Quebec outlined a set of nine conditions which foreign nations ought to meet before being allowed to invest in Canada. The conditions are designed to integrate the investments of foreign nations into the local economy. Andreas Lowenfeld of the New York University Law School spoke in defense of foreign investments claiming that the present age is extremely nationalistic and that only big business has a genuine "world interest."

Rehabilitation of the continental neighborhood was the subject of two panels, the first on pollution controls, and the second on drug controls. These were areas where it was felt that continental legislation might be especially effective. On the subject of pollution, it was noted that preventive as well as rehabilitative legislation was needed. It was proposed that the basic guidelines be international, and within that framework there should be regional controls since ecological regions often cross national boundaries without encompassing all of any one nation.

In the area of drug control, it was contended by Mexico that its real problem was not with drug usage, but with growth for export. The Canadian representative noted the time lag between the eruption of a drug problem in the U.S. and the development of a problem of like proportions in Canada, the basic problem being of a similar nature. The Canadian Commission on Drug Control has recommended that there be no offense for simple

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Whither the Professional Program?

Comment . . .

by John Henry Schlegel

I was unhappy to read your recent (April 30, 1974) editorial on reordering of priorities at the Law School, not because I do not believe that such a reordering is necessary, but rather because your comments reflect what are to me, at least, troublesome assumptions about what priorities are now and what priorities ought to be in the future.

First, with respect to actual priorities, the suggestion that, as a result of a decision of the faculty, "a lion's share of new money and manpower resources" is being committed to projects "related to the social sciences, law reform efforts and ideological fashion" is almost incredible. The only social science that *may* be thriving at the Law School in terms of money and manpower is sociology. Economics is hardly all pervasive; indeed it is almost invisible. Anthropology is invisible, as is political science, while psychology is non-existent. Cleo receives her due with one course from R.W. Gordon and one from Janet Harring. So much for the social sciences. As for law reform efforts, a look at the two entire columns of courses that make up the tentative course schedule for 74-75 turns up no real targets other than correction litigation. Indeed, two currently offered, potential targets for your fire—women's rights and social legislation—are not even on the 74-75 list. That leaves ideological fashion—a code word for criminal law related courses, I assume. Concentration, as limited as it is, on such courses is, I suggest, not evidence of faculty priorities as much as evidence of the coincidence of communicated student interest and available supplementary funds. For evidence of student interest, I suggest that you consider the relatively astonishing scenario of an interested student seeking out John Henry Schlegel as a possible instructor for a course in post-conviction litigation; that is surely beating the bushes. For evidence of the availability of funds for clinical and criminal programs *and virtually none other* from government agencies and private foundations I suggest that a few hours be spent trying to discover money for say, tax planning courses, in either of the holy "grant" books. So much for the roar of the lion.

Second, with respect to future priorities, the prediction that we are in for more of the same, while, as a result of "deliberate neglect," "more traditional, yet utilitarian, courses have been left to wither on the vine," is, though not incredible, equally misleading. However, I am not particularly interested in challenging the accuracy of your prediction, although, as one of those commercial law types, I am interested in seeing that it does not come true. Rather, I wish to suggest that the assumptions underlying the prediction are particularly bothersome to me.

I detect in your words the lament that the traditional bar review courses are dying. What puzzles me is why you or anyone else cares. With the "recent" increase in the quality of the student body, I doubt that there are more than a few students left at Buffalo who need do more than give serious attention to a bar review course in order to pass the bar exam. If I am correct, (and even if I am not, I wonder whether Buffalo should be permitting any student to graduate who needs three years of preparation in order to pass the bar exam) then why the interest in these "dying grape" courses? Initially, two possibilities come to mind.

Perhaps interest is a function of sheer fascination; evidence and future interests are for the vast majority of the student body, the most exciting conceivable courses in the curriculum. To simply state the assumption is, I suggest, to invite shavian laughter, for the "dying grapes" are in fact the core of the traditional law school curriculum, historically much maligned by students because it was so boring. The move away from this core of courses was made in response to student complaints about how terrible the second and third years of law school were. If the more "esoteric" courses do not satisfy complaints, and the "dying grapes" caused them, in what direction should a faculty go? Up!

On the other hand it may be that the "dying grapes" are somehow thought to be relevant to the career goals of the "students voicing legitimate concern" over the imminent death of these courses. One might, however, question the plausibility of this suggestion. I venture to say that no more than one in one hundred graduates will see a real sales problem; such problems effectively do not exist. And who other than lawyers engaging in jury trials, a miniscule fraction of the bar, will ever need to know the rules of evidence? No, I find it difficult to believe that career goals are the root of student concern when less than one hundred students, indeed, I suspect, less than

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Reply . . .

by Ray Bowie

Open debate relative to the School's academic priorities has indeed been long overdue, and though it is unfortunate that the debate has blossomed so late in the year, *Opinion* welcomes the contribution of Mr. Schlegel in this issue and hopes that the exchange of issues will spur the participation of other faculty and students in an ongoing dialogue next year.

Mr. Schlegel notes, for starters, his incredulity at the suggestion that a disproportionate amount of manpower and material resources are being funnelled into areas "more related to the social sciences, law reform efforts, and ideological fashion," a suggestion advanced in an editorial last issue which draws its support from the Long-Range Planning Report on Legal Studies, the trend in recent faculty appointments, and the emerging configuration of course and clinical offerings.

Indeed, the areas cited are hardly inherently objectionable, except perhaps for some of the more faddish offerings that boast little substance, but given the current budget retrenchment and the concomitant failure of the faculty to secure needed appointments, the editorial took the position that such areas are essentially peripheral to the professional program and are generally ill-suited to benefit from the type of major diversion of faculty resources that would be required for the development of legal studies programs, of which the proposed criminal justice specialist clinic was offered as an example.

Prof. Schlegel notes that concentration of resources in these peripheral eras is less evidence of faculty enthusiasm than of a "coincidence of communicated student interest and available supplementary funds." Both factors, while real enough, miss the editorial's point that the faculty, in their collective capacity, have a responsibility to insure a well-rounded professional program that might have to transcend communicated student interest and the lure of grant money where such create an imbalance in program offerings. Certainly, the student interest that is communicated to faculty is not an infallible index to the multitude of professional interests which characterize students here, for the phenomenon is often known where twenty students imbued with great enthusiasm can exert an influence all out of proportion to their numbers or the worth of the particular object of enthusiasm. As far as the temptation of government or private grants, the availability of such money is not necessarily a function of the professional worth of the programs selected for funding, and a faculty which succumbs to grants and tailors its programs accordingly is indeed a faculty which has abdicated its responsibility of independent academic judgment.

Mr. Schlegel interprets the editorial in question to be a lament that "the traditional bar review courses are dying," which it might well be if "traditional bar review courses" are equivalent to those course offerings which are professionally relevant to what the vast majority of practitioners do after admission to the bar. There is no attempt to suggest here that such courses are all or equally relevant to the fairly diverse career goals of such a large number of students, but rather that, collectively, such courses do form a corpus of substantive material that the vast majority of attorneys run across now and again in practice, except perhaps if they teach at universities. It is conceivable that it is for this very reason that they became and still remain "the traditional bar review courses."

Mr. Schlegel suggests, to the contrary, that many students are motivated to take "traditional courses" simply because they fear that such areas will be covered on

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. . . Rejoinder

I agree that it may be a bit late to begin a debate about academic priorities. However, lest our discussion seem like ships passing in the night, I suggest the following. Our bone of contention is surely over the question: What is peripheral to a program of professional study in law? That question may also be stated as its converse: What is central—in your words "professionally relevant"—to such a program? I have questioned the centrality of the courses most students consider to be "professionally relevant." I am not satisfied with your reply on this point for reasons that could be developed at length from suggestions about the institutional strengths of a law school that I made in my final paragraph. Shall we save that debate for Fall?

John Henry Schlegel

Agreed. Faculty and student contributions on this issue invited.

R.J.B.

The People's Progress

by Shelley Taylor Convissar

"We have been prisoners of war all our lives," said Gladys Bissonette describing her Indian tribe before the Wounded Knee incident last year. On April 24, under the auspices of the Distinguished Visitors Forum, Ms. Bissonette explained the conditions of repression and corruption which eventually led her, among many others, to go to Wounded Knee and to defend their seige for 72 days as a symbolic rejection of the tribal government of Richard Wilson.

Her voice rising and deepening with obvious emotion, Gladys Bissonette spoke eloquently about the struggles of the Indian people in general and her tribe in particular. Giving the law students present an otherwise unavailable insight into the workings of the legal system in this now infamous clash, Ms. Bissonette's message, however, went far beyond Wounded Knee or the Indian movement.

In her description of her reservation under the "Wilson regime," it was clear that this woman had experienced the malfunction of our legal system of laws and due process. Listening to her explain how Wilson, as their tribal chairman, imposed a reign of terror upon his own people on the reservation through the use of his "goons" and by jailing any group of three people talking together, the audience began to comprehend what the absence of freedom can mean.

Eventually, she explained, when Wilson brought 150 marshalls onto the reservation and prohibited all meetings among the Indians on the land, the people joined members of the American Indian Movement (AIM) and sought to redress their grievances through an impeachment hearing. At the hearing, however, Wilson's sentence of suspension for twenty days was reduced *by Wilson himself*, to ten days. Since the debate by the counselmen was limited to

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Amerikan Injustice

by The National Lawyers Guild

This month, the National Lawyers Guild is turning its column over to a guest writer, Brother Akil (Herbie Scott Deane), one of the indicted Attica Brothers. The following letter was received from Akil earlier this month.

Dear Students of Law at the University of Buffalo:

Having read the Buffalo *Courier-Express* of April 22, 1974, I found entitled "Gov. Wilson's Presence at Dedication Assailed," which was a letter to the editor of said newspaper pertaining to Gov. Wilson's position, Former Governor Rockefeller's (Rocky), and the Attica trials.

It therefore becomes incumbent upon me to write to you letting you know that your laudable endeavor is recognized and appreciated by the Supported.

Of the many slogans you will hear anon about Attica is that Attica is All of Us! How true!

So when you who are future lawyers of the land express your views on such an issue as ours, it bears watching.

Oftentimes it has been said that the judicial system in America is against the black, brown, red, yellow, poor whites, and the vocal/radical whites. This is an uncontested statement.

As you mentioned in your letter, the Governor has seen fit to allocate enormous amounts of money for the (Attica) Prosecutor's staff, for the furtherance of prosecutorial and investigatory activities, which have yet produced one single indictment against any state employees or officials.

This makes our argument that there is *selective enforcement of the law* tenable legally and politically.

The newspapers for the last three days have been substantiating the claim, predicated upon an alleged article in the *Newsday* newspaper of Long Island.

Yesterday, April 24, 1974, Judge Ball officially empaneled the second or new grand jury, discarding the various motions of opposition submitted by the ABLD (Attica Brothers Legal Defense).

We deem such disregard as violative of our Human Rights, which supercedes Criminal Law and Constitutional Law.

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SBA Delves Into 1974-75 Budget

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Of the budgets themselves, the most noticeable change next year over this was the centralization of services in SBA itself and major increases in funding for such services, with the result that next year's SBA operations budget comprises 51% of the total money available to SBA as compared to 38% this year.

Of the lines within the SBA operations budget, practically all received increases over last year, the only exception being Graduation which was cut from $500 this year to $400 next. Orientation, on the other hand, was boosted from $400 this year to $1400 next September, $350 going to present the movie *Paper Chase* and another $400 for each SBA organization to offer its own orientation activities.

An item causing some debate before finally being rejected was a Budget committee recommendation for stipends, for which $1,400 would have been provided for the SBA President, Treasurer, and *Opinion* editor. Only one vote was recorded in favor of the stipends, indicating actual defections form the Budget Committee's ranks and continuing SBA reluctance to provide any stipend assistance for students.

Another item, for which $1,000 was approved, that could generate controversy was Sub-Board's request for 1/3 of SBA's money in order to provide University-wide services and activities open to law students. The Budget Committee's feeling that $1,000 was the maximum SBA could afford was, however, sustained by the directors.

In other lines, not yet considered by the directors as *Opinion* went to press, the Budget Committee has recommended $1012 for the SBA Athletic Committee, up from $600 this year, which increase would provide an extra $500 so that individual law students could use gym facilities free of charge. Social Committee, having received $2,000 this year, was recommended for $3,475 next year, permitting 2 large parties, 1 picnic, 3 happy hours, 3 wine and cheese parties, "community events transportation," and money for the separate social functions of SBA organizations.

Most SBA organization budgets reflect either cuts or "zero growth" relative to their allocations this year, with *Opinion* funded for only 11 issues next year instead of 14, BALSA cut from $1800 this year to $1,155 next year, Law Women from $710 to $538, Environmental Law Society from $475 to $285, PRLSA from $700 to $220, and PAD from $910 to $0. Other organizations received increases, most particularly Distinguished Visitors Forum, which was recommended for $3,540 next year as compared to $2500 this year. Several new organizations received budget recommendations for the first time, among them Buffalo Legislation Project ($290) and Gay Law Students ($35).

The *Opinion Newsletter* will endeavor to present reports on SBA budget developments as they occur.

–centner

Gay Status Conference Members: (l to r) William Thom, Lambda Defense Fund; Sue Silber; Don Michaels, President, Buffalo Mattachine Society; Dr. Kameny, National Gay Task Force; Nath Rockhill, NYS Coalition of Gay Organizations; Jame Zais.

Conference Studies Gay Status

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her present clients who, as lesbians, are forced to fight their ex-husbands for the support of their respective children. From the naturally conservative viewpoint of most male judges, she added, the custody of children to gay people (even their own parents) is frightening.

Syracuse attorney Bonnie Strunk explained that the court in a case she handled recently for a lesbian mother ruled that the child must be removed from her custody because a psychiatrist found, in examining the child, that there was a possibility of future behavior problems although none exist to date. Although she is appealing the decision, Ms. Strunk pointed out that the expert testimony needed to prove the fitness of the mother as a healthy force in the child's life is an expensive proposition and very clearly prohibitive for many people.

The criminal law panel, which of all the panels took the most time, was by far the most explosive. Since the audience was made up mostly of members of the gay community, from Buffalo as well as Syracuse, Ithaca and Rochester, the response to the Captain of the Vice Squad, who openly admits his enforcement (bordering on entrapment) of the consensual sodomy laws and the loitering laws against gays, was predictable. Although he stated emphatically that "our only interest is to protect the public," the amount of harassment and closing of gay bars in Buffalo tends to substantiate the statements made by Don Micheals, President of the Buffalo Mattachine Society, that the laws are selectively enforced against gays.

In discussing the consensual sodomy laws, Justice Mazur stated that one of the other City Court Judges has ruled the New York penal provision unconstitutional because it defines an act in relation to the status of the parties. Judge Mazur, in stating that he agreed with that assessment of its constitutionality, refused, however, to say clearly whether the City Court would be the ideal place to challenge the law. Speaking of the other criticized provisions, the loitering statutes, the judge said that if a law has a potential for abuse, as many say these loitering statutes do, then they should be removed from the penal code.

Bruce Voeller, as Executive Director of the National Gay Task Force, condemned the solicitation and sodomy laws. In his statement, he maintained types of harassment which gay people endure, attorney William Gerdner Further, he stated, if the solicitation laws were invalidated or taken off the books, the consensual sodomy laws would also fall. It was disclosed by Mr. Voeller that there is presently a test case being constructed in Virginia to test the constitutionality of such laws.

Dr. Kameny described his plan for litigating the sodomy laws. Since, as Voeller explained, the sodomy laws are dependant upon the solicitation of most male judges, she added, the custody of children to gay people letters to the police commissioner and other high ranking officials in Washington, D.C. Dr. Kameny has already invited them to join him in some deviant sexual activity. Although that has not yet yielded the desired response (i.e., arrest), Dr. Kameny stated that he intends to make his solicitations more inviting and then try to get immediate Supreme Court review of the laws after soliciting the twelve federal court justices in the Washington, D.C. area. With their automatic disqualification (as parties to ths suit), Dr. Kameny even suggested that he might solicit the conservative arm of the Supreme Court so that only the remaining justices would be free to rule on the constitutionality of the challenged solicitation laws. Although clearly intended as a bit of comic relief, the audience was extremely receptive to that suggestion.

The conference, which was endorsed by the SBA, was funded by the Mitchell Lecture Series, Distinguished Speaker's Forum and the Law Student Division of the American Bar Association.

UB Internat'l Law Society Attends D.C. Conference

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possession of cannabis and "speed" and that a heroin maintenance program be established comparable to the one presently in operation in Great Britain. Former Attorney General Richard Kleindienst, who was the spokesman for the U.S., stressed the need for world-wide cooperation in the control of the flow of drugs. One nation acting alone cannot be successful, therefore other nations must be convinced that the growth of the drug problem anywhere will eventually hurt them also.

Ira Glasser from the New York Civil Liberties Union pointed out the paradox of current drug laws which claim to help solve the problem while in reality they are making the situation worse. Enforcement of present laws causes a scarcity of heroin on the market. To make the available supply go further, other substances are cut in. He blames the so-called "overdose" deaths on these other substances rather than on the heroin itself. He recommended a pure drug control system instead of the complete outlaw of drugs. The problem, as raised by the commentator to the panel, was whether drugs could be legalized in view of the 1961 International Congress on Drugs.

The panel on "The Rights of Indigenous Peoples" was chaired by Professor Louis B. Sohn of Harvard Law School and co-author with Professor Thomas Buergenthal of the book, *International Protection of Human Rights.* Co-sponsored by the U.S. Institute of Human Rights, this panel dealt with the rights of the Indian population in the three nations. As noted by Drew Kerschen of the University of Oklahoma School of Law, being a member of a race is a cultural matter, not one of blood quantum, and hence a change in national attitude is necessary. The rights sought by these indigenous populations are not rights for an individual, but rather rights for an entire culture, the group of persons taken collectively.

An annual highlight of the American Society of International Law meeting is the Philip C. Jessup International Law Moot Court Competition, an international student competition based on a current issue of international law.

On Saturday, the Society presented the final round of the Jessup competition. Participants in the round were the University of Texas, representing the United States, and Haile Selassie School, representing Ethiopia. The University of Texas won the competition by one point, based on the combined written brief and oral arguments presented.

This year's question concerned the rights of a coastal nation to extend its soverignity over subsurface deposits on the ocean floor beyond traditional boundary limits. Arguments raised within the subject of soverignity included the perennial controversy over rights of "developed" and "developing" nations, world ownership of the ocean and its resources versus national ownership, and the validity of certain international treaties and resolutions.

Representing SUNY/Buffalo Law School in this year's regional competition were Joe Burden, Mike Dunlavey and Pat Guara. The team won second place.

The annual meeting of the Association of Student International Law Societies was also held, at which a geographically distributed executive board for the coming year was elected: President, Don Pressley, Georgetown; Vice-President, Jack Vayda, Albany; Secretary, Kip Klien, Georgia; treasurer, Tom Brill, University of Kansas.

Speakers at the annual dinner at the close of the conference were Manfred Lachs, President of the International court of Justice, and Hans J. Morgenthau of City University of New York. Peter Thomas, a 1973 graduate of the SUNY at Buffalo Law School, was the reporter for the opening symposium on "The Perils of Proximity." SUNY at Buffalo students in attendance were Ian DeWaal, Steve Levine, Joe Murphy, Robin Skinner, Jay Solomon, Howie Sporn, Pearl Tom, Ken Wasch, and Margaret Wong.

Law Prof. Survivor of War Disaster

by Gary Muldoon

The 26th of November, 1943, is hardly a well-known date in American history. For most people, it was just another day in one of the months when the Allies were turning the tide in their advance on Germany during World War II. But, for a Buffalo Law School professor, among others, the date is of great importance, for it was the day on which the second largest naval disaster in American history occurred. He was one of the survivors.

Aaron Weinstein, who teaches Trial Technique at the Law School, was on His Majesty's Transport Rohna in November 1943. Originally a commercial passenger vessel, the Rohna was loaned to the British Navy to haul troops during World War II. On November 23, the Rohna left Oran, Algeria as part of a thirteen-ship convoy headed for India via the Suez Canal. Aboard the Rohna were 2,183 men: 1,981 G.I.s, 7 Red Cross workers, and a 195-man crew, members of the British Navy. Weinstein was one of the Red Cross workers.

On the afternoon of the 26th, the convoy was attacked by German airplanes. The ships, aided by British Spitfires, fought off waves of Heinkel, Focke-Wolf, and Dornier planes. Both sides lost aircraft, but no German bombs hit the convoy.

After less than an hour, the planes withdrew. Another wave of planes attacked, but they too were fought off. About 4:30 p.m., two more planes were spotted a few miles away from the convoy. One of them was a Heinkel 177 bomber, carrying a glider bomb.

With a burst of flame, the bomb roared from its launching pad under the bomber. No one aboard the Rohna knew exactly what it was. The ship's captain described it as "something with flames coming out astern." An army officer thought it was a plane on fire. The bomb continued on its controlled dive. For a while it looked like it would miss, but someone aboard the Heinkel made a correction on the radio-controlled bomb and adjusted its flight path. The bomb hit the Rohna almost amidships, near the waterline. The devastating explosion it caused inflicted a mortal wound on the ship.

Weinstein was in one of the ship's corridors when the bomb hit. The blast sent him spinning."It was like falling down, down, into a bottomless pit."

"I was too surprised to know whether I was hurt. I just began fumbling through the darkness and wreckage for the stairs. Darkness, it was everywhere. Because there was no power, there were no lights. It was like a tomb."

The ship took 90 minutes to sink. With her went 1002 soldiers, 3 Red Cross workers, and 120 of the ship's crew. It was America's second greatest naval loss of World War II. The worst loss, of course, was at Pearl Harbor, where 1104 were killed when the U.S.S. Arizona sank.

Only eight of the Rohna's twenty-two lifeboats were launched, and some of these capsized or sank when they hit the water. Weinstein was not in one of the boats, but was alone in the oily water, supported by the life preserver and the memory of his wife and child. An oar floated to him and he grabbed on. Soon he heard other men's voices in the darkness.

Three escort ships from the convoy went to pick up survivors, but they were hampered by rough water and darkness. Three men on a raft came alongside an American minesweeper to be picked up but were sucked under the ship and mangled by the propellers.

After hours in the water, Weinstein was picked up. An amber light struck his eyes, and a voice called out to him, "Grab the life preserver."He reached for it and put his right arm through, but he couldn't unclasp his left arm from the oar. Finally, somebody grabbed him by the hair and pulled him aboard.

The sinking of the Rohna accounted for almost one-third of the American troopship losses suffered by the United States in the European theatre. Yet its story has been kept quiet, not just during the war, when security was tight, but also since the war's end.

The day after the sinking of the Rohna, U.S. newspapers reported the following:

ALGIERS, Nov. 27 (UPI)—The Germans used their most formidable bombers—giant Focke-Wolf Kuriers and Heinkel 177s—in a heavy attack on an Allied Mediterranean convoy yesterday, but first reports showed today that damage had been negligible and the enemy had lost nine planes.

Gladys Bissonette --centner

People's Progress

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three minutes and Wilson was able to speak unlimited in rebuttal, the tribal representatives finally walked out of the meeting followed by their people.

It was this impeachment hearing, on February 22, which finally moved the Indian people into action. Within an hour and a half, 800 Indians had signed up in support of the Civil Rights Organization, according to Bissonette, and their convictions were joined. During the next week, there were constant meetings at the Pine Ridge Reservation to discuss what should be done next to voice their dissent. Finally, it was decided that Wounded Knee would be the meeting place, as Ms. Bissonette put it, "to make our stand."

The rest, as they say, is history. What was unfortunately left out of the accounts of Wounded Knee, however, was the Indian's point of view. According to Gladys Bissonette, who lived for 72 days in that seige, the people wanted to make their statement to their own tribal leadership. The U.S. Government was neither needed nor helpful in that situation and only served to impede their plan of negotiation. Without some action on their part, Ms. Bissonette cautioned, the Indians were helpless to combat the obvious corrupt influence of Wilson and his alliance with the Bureau of Indian Affairs. In Gladys Bissonette's words, "there was no law, there was no justice on the reservation."

Lamenting the present condition of the reservations, coupled with the immense problem of providing legal defenses to the 130 defendants in the Wounded Knee cases, Ms. Bissonette's statement that "these are sad times" was vitally clear.

But refusing to speak only of the Indian movement, Ms. Bissonette reminded her audience that the problem does not exist for the Indian alone, but pervades the treatment of all minorities. The law, and the media, must respond to these needs, she said, and would only do so if people stood up for their rights.

Gladys Bissonette is a brave woman. One can only hope that her strength and understanding are reflected in the work we will do as practitioners in the law. Further, one hopes that the Distinguished Visitors Forum continues to provide such moving and insightful speakers for the law school population to teach us what the media and law school will not.

Amerikan Injustice

--continued from page 3

What we should concern ourselves with regarding the Attorney General's wish on this empanelment of the new grand jury, as opposed to the continuation of the one that has sat for two and one half years is:

Why did he allow the old grand jurors to sit so long with so many stated contradictions? What task can the new grand jury undertake that the old one could not? How long will this one sit? Will there be more indictments? Will they be against prisoners or will they be against state employees and officials? If they are against state officials and employees, will the charges be substantive?

You asked a very cogent and pertinent question when you asked, "How can truth and justice emerge from this gross abuse of the adversary process?"

I/we also believe that the indictments against us (Attica Indictees) must be dropped and that the real criminals must be brought to justice.

You can efficaciously deal with such aims by gathering massive student drives of petition campaigns to be sent to Judge Ball at the Supreme Court of Erie, 25 Delaware Avenue, Buffalo, N.Y. 14202, at Part III of the Supreme Court, and copies to Governor Malcolm Wilson's office and to the United Nations.

I suggest that you contact the defense committee to get the film *Attica* by Cinda Firestone, show it to as many classes as possible, and educate the campus community about the significance of the Attica cases and their relatedness to student's struggle, and above all the over-all struggle for independence and national liberation in Africa, Asia, Latin America, and self-determination domestically for the Native Americans, Blacks, Latinos, Women, Workers, etc.

The adaptation of the above will help further the concept that Attica is All of Us.

Thank you for taking the time to read this letter. Thanks for your past, present, and your upcoming levels of support.

Akil (Herbie Scott Deane)
An Attica Indictee for all
Attica Indictees

Turn of the Screw

by Ian DeWaal

The best way to end any year is with good news and as far as financial aid is concerned that's what I have. On May 8 I called the office of Assemblyman Peter J. Costigan who was one of the sponsors of the move to revamp the Scholar Incentive program in order to provide more aid to students at private universities. I spoke to Mr. Bennett, who is the Executive Director of the Assembly Select Committee on Higher Education (of which Mr. Costigan is chairman).

The Scholar Incentive program will not be changed for graduate students next year, according to Mr. Bennett. The only change in the program will be one that solely affects students who will be entering their freshman year on the undergraduate level.

I made an additional call to the Regents Scholarship Bureau to inquire about changes in the State University Scholarship program. There apparently will be none. The SUS Program will also continue unchanged for next year. This means that if you receive a maximum Scholar Incentive award, the balance of your tuition will be covered by a SUS.

Applications for Scholar Incentive will be available in June. If you don't receive one in the mail, write to the Scholar Incentive Bureau, 99 Washington Street, Albany, New York. If you are going to summer school, you will use this application to also apply for summer scholar incentive assistance. However, you will have to advance summer tuition and get it refunded when the school receives a check in the fall semester.

All students on work study for the summer who have not yet seen me about a job should do so immediately. The summer grant begins on June 17 and runs out when you exhaust your award, or when the fall term begins, whichever is first.

Those students who had work study this spring semester can continue working up until June 30 or until their funds run out, whichever comes first.

If you are going to apply for a New York Higher Education Assistance Corporation Loan for next fall, please submit your application to the Registrar's office by June 15. This is not a deadline but rather a date which will hopefully assure you of having the check available when school starts in the fall.

Have a nice summer!

Law Wives Close Year

The Student Law Wives Association was asked to participate as jurors in the mock trials for the Trial Technique course, held on Saturday, May 4, in the County and City Courts downtown. Those who were able to attend found it an interesting and rewarding experience, and their presence was greatly appreciated by the students in the course.

Law Wives have tried in the past to make themselves useful to the School and community. They will, in the future, be available upon request for any School or community functions where their talents might be needed.

Law Wives held elections for next year's officers on Thursday evening, May 2, at the home of Professor David and Mrs. Sunny Kochery. The new officers are: Nancy Kitchen, President; Lois Weinstein, Vice-presidnet; Sue Moran and Cathy Donnelly, Corresponding and Recording Secretaries; and Karen Sullivan, Treasurer. Installation ceremonies will be held on Thursday, May 16, at the home of Betty Reynolds.

The Chicken Bar-B-Que/Family Picnic will be held on Sunday, June 2, at the Greiner's home, 289 Countryside Lane, in Williamsville. Activities will include swimming, tetherball, ping-pong, badminton, and a watermelon-eating contest for children. Law Wives continue to invite all student and faculty couples to contact Nancy Kitchen at 741-2594 or Karen Sullivan at 896-1394, for more information and reservations. The cost is $1.00 per couple or $1.50 per family.

Comment...

–continued from page 3

twenty-five, wish to study negotiation, or when a course emphasizing such basic practice skills as drafting and counseling evokes little more than a yawn from the assembled multitudes.

I do not wish to suggest by means of these two little logical connundrums that students should "bug off". Quite the contrary. Any student concerned about the quality and content of his legal education is more than just welcome at my door; he is an honored guest. What I do mean to suggest is that I question the rational basis for the complaints voiced in your editorial.

How real is the interest in the "dying grapes"? I have not noticed students dogging the halls asking Haywood Burns whether he might consider teaching agency and partnership or land transactions. I have not noticed students excitedly debating trusts and estates problems. I have noticed students looking for courses in, and talking excitedly about, criminal matters. They are an admittedly small percentage of the student body, but they are excited by, and interested in, their legal education. Other than the tax mavens (and perhaps a devoted group of environmentalists/urban planners) about whom else in the law school can that be said?

In the light of the available evidence I thus find it hard to believe that there is a groundswell of interest in the "dying grapes" in the curriculum. These courses are taken not as a result of student interest but as a result of fear of the bar exam and that shadow of fear, the face-saving rationalization that, *among the available onerous alternatives,* each of the "dying grapes" seems as if it ought to be relevant to career goals. I do not deny the existence of fear of the bar exam, but I do find it hard to believe that the performance of most of our present students on that exam will be more than marginally affected (probably negatively) by almost any course taken or not taken during his last two years. I do not deny that the ostensible subject matter of some courses given at Buffalo, as well as numerous ones not given, or worse, poorly attended (because they are much more work than simply sitting and listening?) may seem as if they ought to be relevant to career goals, but I do find it hard to believe that law students who are no longer green behind the ears, if they ever were, honestly wish to occupy their time sitting in a class ferretting out doctrine they could master several times faster and much less painfully from a continuing education handbook. I do not even deny that the law school must cope with the reality of student fear and its shadow rationalization, but to do so by investing enormous resources in, for example, evidence, seems to me to be the equivalent of a psychiatrist attempting to cure a patient's nightmares by filling that patient's closet with live monsters.

A few closing words are perhaps necessary lest those readers who do not know me infer from the predominantly negative tone a panglossian view of where we are, and where we are going. Improvement in legal education at Buffalo is surely necessary; one only need to walk the halls and see all the bored faces to recognize that. Hopefully the impetus for change will come from law students. I for one would be more than a little pleased if a group of students consumed by an interest in the world of business, in the way a definable group of students is consumed by an interest in the world of crime, began planning and agititating for a corporate/commercial concentration, or if a similar interest group arose to match and advance an interest in state and local government on the part of a definable group of faculty. But at the same time I suggest to students interested in change that the successful suggestions for effective improvement in legal education are likely to be those that proceed from, and utilize, institutional strengths. The institutional strength of a law school lies in teaching method; the institutional strength of the tape recorder lies in teaching rules. Any law student who does not understand this fact should probably not be loosed on the public, for, in my experience, the most pitiful and dangerous lawyer is one who when faced with a problem remembers a rule learned in law school and charges ahead. Half the time the rule is but a half truth, when not simply incorrectly remembered, and the rest of the time has changed since learned. Concentration on method, in teaching those skills and exploring those problems which can in fact be efficiently done within the real constraints of a School (devoted to the study) of Law, can, I think, best proceed with subject matter interesting for its own sake to both the instructor and the student. Instructor interest is in almost all cases a necessary condition to exciting student interest; student interest is surely the best possible feedback for stimulating efforts at improved presentation of materials. Neither method nor interest is served when bar exam fear and its shadow rationalization create pressure for "coverage" and for the use of resources in areas all but devoid of interesting methodological problems. In sum, I do not doubt that a reordering that proceeds by calling up ghosts is likely to improve this (or any) law school.

Reply...

–continued from page 3

the bar exam, rather than because they realize that such areas are covered on the bar exam only because of their wide professional relevance. Undoubtedly, the bar exam is an incentive to many, even as Dr. Johnson noted the gallows was to a condemned man's recollection, but the mere existence of that incentive hardly discredits the value of such courses or their professional relevance. As Mr. Schlegel observes, it may be well nigh impossible to separate out various students' motivations, but as he admits, students do continue to demand such "traditional" courses, and these students should no more be disparaged than students whose interests lie in less traditional areas.

It is also true, as Prof. Schlegel states, that students interested in the traditional areas do not roam the halls proselytizing for their cause, seeking the conversion of faculty or the damnation of those whose priorities lie elsewhere. Many indeed suffer in silence, making outcry only when accorded no electives whatsoever, as was the case with labor law earlier this semester. Such students might not be as adept as others in actually communicating their sincere interest to the faculty, but then again, students ought not to have to mount public relations campaigns to insure that the faculty maintain a well-rounded program, which is ultimately the latter's responsibility.

In sum, the editorial critiqued by Mr. Schlegel scarcely advocated a reordering of priorities based upon "bar exam fear," but rather urged the type of reordering resulting from a study of actual career orientations among students, matching such orientations with courses of demonstrated professional relevance, all the while safeguarding a fully balanced program commensurate with the diversity of career interests.

Spring and Summer Schedule:
Law Bookstore Hours

May 21	Tues.	Closed
May 22-24	Wed.-Fri.	OPEN
May 27	Mon.	Closed
May 28-30	Tues.-Thurs.	OPEN
May 31	Fri.	Closed
June 3	Mon.	OPEN
June 4	Tues.	Closed
June 5	Wed.	OPEN

Closed until Fri. June 14

June 14	Mon.-Fri.	OPEN
June 17-21	Mon.-Fri.	OPEN

June 24th - August 9th
Open Mon.-Fri.
Each week 9:00 - 3:30

Environmental Law Society Attends Land Use Conference

by Carl S. Heringer and Robert W. VanEvery

The ALI-ABA Committee on Continuing Legal Education sponsored this symposium to which the UB Environmental Law Society, in cooperation with Ms. Hollander and the SBA, sent two representatives: second-year student and president Robert W. VanEvery and first-year student Carl S. Heringer. Held in the three-quarter century old House of the Association of the Bar, the lecture series was attended by some fifty practicing lawyers from as far as San Diego and Honolulu.

It was pointed out that, although both Real Estate law and environmental concern were not novel, this field of law is new and virtually unexplored. Five years ago the program could not have been possible, as most of the facts and cases presented had originated within the past year.

The greatest emphasis in those lectures concerning energy and the environment dealt with land use controls. Included within this concept are basic limitations on land use, planning, zoning, and law enforcement. The ten one-hour lectures (plus subsequent question and answer periods) spanned a large spectrum of ideas, suggestions and plans. The study materials and lecture notes will be available in the ELS files for those who seek more than the mere outline which appears herein.

A general overview opened the proceedings, delineating the dispute between master planning and ad hoc "mission-oriented" planning. The Federal government favors the latter, which allows it to set ambient standards. State implementation plans would therefore be subject to Federal review. Legislation such as the Clean Air Act, Federal Water Pollution Control Act, and the Federal Solid Waste Disposal Act control not so much by regulating existing uses as by guiding the procedures by which a facility is initially constructed. By requiring periodic Environmental Impact Statements, the government can continuously police potential polluters. By demanding that state zoning laws and standards meet Federal approval before participating in the grants-in-aid program, the government will eventually expand into direct control of key areas of regional concern. Such areas include coastal zones, mountains, tundras, deserts and estuaries.

A second speaker elaborated upon the Clean Air Act and some of its implications on real estate development. Basically it provides that states should account for transportation and land use controls to control both direct and indirect sources of pollution. Direct sources include cars and industrial sites. These are relatively simple to regulate. Indirect sources are those that are not themselves emissions sources, but attract them (i.e., shopping centers, stadiums, theater districts) and thereby affect air quality. Construction such as local roads and access highways, as of January 1, 1975, will require EPA approval. Mass transit is seen in a very favorable light, but of course, only a few major urban areas have such facilities. Therefore, the new controls can be seen as having a large potential effect on further developments of such areas. More detailed information on shopping centers, with both environmental and real estate (anti-trust) implications, can be found within our files. This includes problems of construction, mortgages, and difficulties reorganizing plans and priorities as a result of the general energy crisis.

Basically, the non-availability of building materials, the stricter environmental controls, and the resulting lack of monies, has led to contract provisions for performance now limited by law or judicial decision. Various delays or failures to perform can no longer be viewed as outright defaults, and some compensation must be made for such procedural changes. As can readily be seen, this will bring about second thoughts as to the suburban expansion of department stores, factories and entertainment facilities. Many of the lawyers called for a lessening of controls during the crisis, but did not advocate discontinuing them. Total compliance with all existing controls was recommended, although many of the speakers seemed to be seeking ways to soften the impact of the environmental controls upon their various clients.

One lecture, dealing more with sociological aspects rather than legal issues, concerned the relation of the energy crisis to the increasing return to urban housing. The reversal of the trend of recent years to suburban living was categorized as a "revolution" in U.S. housing. The dependence on automobiles, the lack of mass commuter transportation, the problems of exclusionary zoning, and the spiraling private education and housing costs have led the "rural generation"–those raised in the suburbs–to return to the cities. With city redevelopment, an ethnic turnabout is visible, with Black families now leaving the city to follow "the American Dream" of suburban living as sought by white families years before.

Furthermore, greater stress is being placed on user-owned housing, entailing the replacement of rental housing with condominiums, cooperatives, and government-subsidized housing. Apartment life is no longer being viewed as transitional. Such housing has a high resale value, offers a close "community" of persons, and cheaper maintenance and control costs. At the same time, suburban areas are developing business districts, zones for multi-family dwellings, and are developing many of the socio-economic problems earlier evident in the cities. Also, one can see ecological advantages to this new trend. A lessening dependence on automobiles, individual homes and such, lowers the polluting potential of the population.

This article does not purport to adequately cover all aspects of environmental-related real estate problems. The conference itself had no such pretentions. However, several factors have become important and must be given notice. Contrived or otherwise, the energy crisis remains with us, with little sign of abating. A reorganization of our personal and national priorities has begun and must continue. The environment must not be allowed to fall victim to increased short-term needs for quick, cheap energy. Rather, it must remain a major concern as we search for ways to cope with the new shortages we are facing each day. The UB Environmental Law Society exists to lend a helping hand. We work on both local and national concerns, and would welcome any ideas, viewpoints, or physical help that is offered. Our meetings are posted on our office door, 118 O'Brian, and the public is always welcome to attend.

Placement Office Sponsors Alternative Career Day

-centner

Alternative Career Day Panel: (l to r) David Jay, Tony Dutton, Lawrence Faulkner, Robert Kolken (moderator), Sam Fried, Richard Lippes, Diane Woeppel, Barbara Handschu.

by Kay Wigtil

On April 25, the Placement Office held Career Day II, which presented career opportunities in areas of law less traditional than those included in the first career symposium. The panel moderator was Robert Kolken of the Civil Division of the Legal Aid Office, who introduced the Panel members, saying that the areas of law they work in are untraditional and unprofitable, since the profit motive is irrelevant to the work they do.

The Panel members were as follows:

Tony Dutton – Pro Bono work in a large firm: Because the necessity for making a living was a prime consideration in seeking a job, Mr. Dutton said he chose to work in a large firm, where he does commercial and banking law. However, one does not have to cut off his or her interest in the community in taking such a job, as Mr. Dutton's activities prove. He noted that much of the work he does on a pro bono basis is not legal work, but work which requires a lawyer's skills in analyzing, problem solving, etc., as well as an understanding of the politics of the community. He noted that large firms encourage their attorneys to work on outside activities, and that opportunities for doing so are probably better in a large firm than a medium or small size firm. Among the projects Mr. Dutton has participated in are Housing Opportunities Made Equal, the Citizens Advisory Committee for drafting ordinances and reviewing the budget, and the Mothers of Perry Day Care Center.

Diane Woeppel – Neighborhood Office, Legal Aid: Ms. Woeppel described her work in the legal aid office as frustrating, since the problems of the clients are primarily administrative and especially complex, since the clients only come to the office as a last resort, when their problems have gotten out of hand. The large amount of administrative work required reduces the amount of time available for work on law reform, but some amount of work in this area has been done in the areas of greatest case volume, such as utilities, and landlord and tenant. Ms. Woeppel expressed concern over restrictions placed on OEO funding of legal aid attorneys on the kinds of legal challenges they can make.

Dick Lippes: Public Interest Law Firm: Mr. Lippes described the structure of public interest law firms and the type of work they do, and his efforts to establish such a firm in Erie County. Although the firm is not yet entirely established, his practice is limited to public interest issues in the following areas: constitutional law, environmental problems, community organization, and criminal law. Mr. Lippes noted that a 60 to 80 hour work week is inherent in doing this kind of work, but that it is extremely rewarding.

Barbara Handschu – Law Collective: Ms. Handschu described the operating structure and decision-making process of the collective firm where she works. First, she noted that decisions are made collectively by all persons working in the firm, regardless of whether they are attorneys or legal workers. Secretarial jobs are shared, and everyone does their own typing, so that the office does not have a "secretary". The firm is composed of two attorneys and three legal workers, some of whom are law students and some undergraduates. In ending her remarks, she registered objection to the fact that the law school is so isolated from the legal community.

Dennis Cunningham – Mass Political Defense: Mr. Cunningham, a Chicago attorney who is presently in Buffalo as a staff attorney of the Attica Brothers Legal Defense, described the events which led to his specialty in this area, and the problems of defending large numbers of defendants. In his work defending people charged with various crimes in connection with the Chicago Riots which followed Martin Luther King's assassination, arrests made at the 1968 Democratic Convention, and groups such as the Weatherpeople, SDS, Black Panthers, and Young Lords, he noted that the mass arrests and count padding in these charges are generally designed to induce defendants to take pleas on lesser charges. By refusing to take pleas and insisting on trials, many of the defendants got charges dropped or lower pleas offered.

Sam Fried – Prisoners Legal Assistance Project: This division of the Legal Aid Bureau was originally intended to filter the large number of complaints of prisoners received by the courts. The large volume of the work has limited it to four categories: underlying conviction appeals, dismissal of detainers and warrants, civil problems (i.e., family relationships), and institutional grievances. The work is both frustrating and voluminous, said Mr. Fried, because it is compounded by abounding abuse of discrition by officials in the area, who have a great deal of discretion with little accountability.

David Jay – Military Law: Mr. Jay began by noting that it is possible to do good work in the law and make money at the same time. He described the work he has done in defending Selective Service Law violations and cases referred by the ACLU. Success in any area, he noted, is insured if the attorney does his or her homework, and is well prepared for the cases.

Larry Faulkner – ACLU Staff Attorney: Cases come to a staff attorney through a lawyers' committee which screens potential cases, and refers the ones it accepts to the staff attorney. Most cases are in the areas of free speech, women's rights (Little League cases), hair cases, draft and military issues, and challenges to allocation of revenue sharing. One of the greatest problems in civil liberties in Buffalo at the moment, Mr. Faulkner noted, is the complete lack of any civilian review of police abuses.

DVF to Sponsor Walsh

Dr. George Walsh, Professor of Philosophy at Eisenhower College, will be speaking at the University of Buffalo School of Law on Thursday, May 16. The title of his lecture will be *John Rawl's Theory of Justice: A New Ethic for the Welfare State*. The lecture will take place at 11:30 a.m. in Room 210 of the John Lord O'Brian Hall on the Amherst campus.

Dr. George Walsh received his A.B. from Williams College and his Ph.D. from Princeton University. He was formerly the Chairman of the Department of Philosophy at Hobart and William Smith Colleges. Prof. Walsh is the editor and translator of Alfred Schultz's *Phenomenology of the Social World*. He is now working on a critique of John Rawl's *Theory of Justice*. The public is invited.

Nixon Tax Called Fraud

–continued from page 2

other Emolument from the United States, or any of them."

The Federal expenditures described in the Congressional Report as personal income constitute violations of this Constitutional provision. For example, the emoluments given President Nixon such as paying for his terrazo shuffleboard court, were obviously illegal.

Therefore, in drafting the Articles of Impeachment, the House of Representatives must not overlook that President Nixon received extra compensation clearly prohibited by the Constitution. These emoluments were in addition to Mr. Nixon's $250,000 annual salary and expenses.

By agreeing to pay virtually all the taxes specified in the Congressional Report, President Nixon tacitly has conceded that he did in fact receive additional compensation.

Mr. Nixon might claim that he believed these public expenditures to have been legitimate costs of administration; however, he would still have to return the sums designated as taxable income—which total more than $125,000 according to the report. This amount would be in addition to the $432,787 in back taxes plus interest that the President has agreed to pay.

After commenting on the importance of the relevant Constitutional provision, Alexander Hamilton writing in Federalist Paper No. 73 noted that the legislature can have no power to increase, or diminish the President's compensation during his term of office.

"They can," Hamilton continued, "neither weaken his fortitude by operating on his necessities, nor corrupt his integrity by appealing to his avarice. Neither the Union nor any of its members will be at liberty to give, nor will he be at liberty to receive, any other emolument than that which may have been determined by the first act . . ."

There is no precedent for the issue of additional income paid to a President because nobody else has managed the Presidency with such avarice as Richard Nixon.

Thomas G. Kobus,
Alumnus

Addlestone on Military Justice

DVF Lecturer David Addlestone. -centner

by Kay Wigtil

David Addlestone, ACLU Military Law attorney in Washington, D.C., spoke May 2nd on recent developments in military law. He was introduced by Bob Godlove, of the VVAW/WSO, who noted that Mr. Addlestone's background includes three years as an attorney in the Judge Advocate General's office, and a year in Viet Nam as a civilian with the Lawyer's Military Defense Committee.

Mr. Addlestone stressed that civilian attorneys are needed in the military law area, even though there is no present draft or war. Reasons for this include the fact that 2/3 of all federal prosecutions are courts martial, which have no Grand Jury or jury. Another important area for civilian attorneys is discharge upgrading, since there are over a million veterans in the country who suffer discrimination because of less than honorable discharges.

The deteriorating quality of JAG attorneys creates a need for alternative representation by civilians, whose presence can help curb abuses in the military. Mr. Addlestone noted that this is especially important now, since the military is returning to a 40's style of discipline which results in denial of many rights insured to G.I.'s.

Mr. Addlestone described several cases he has won, which include the successful defense of 55 minority G.I.'s charged in connection with racial disturbances in Korea, and most recently a successful attack on the drug searches that were being carried out in Europe. As a result of winning the drug search case, the Army drug program was changed; the command was forced to recognize the court orders that had been issued, and the G.I.'s retained fourth amendment rights.

Mr. Addlestone recommended "Justice in the Military" by Public Law Ed. Institution for those who wish to learn more about military law.

Second Year SBA Directors: (l to r) Carl Howard, Bette Gould, Bert Slonim, Shirley Bevel, Steve Kaplan. (Margaret Wong, absent).

SBA Asks Probe of Attica Case

by Laura Zeisel

Rejecting arguments that such matters were beyond its scope, the SBA at its May 3rd meeting passed a resolution calling for the formation of a state-wide committee to investigate alleged biases in the prosecution of the Attica rebellion.

The resolution, which passed by a 13-2 vote, with 2 abstentions, calls for the SBA and the Faculty of Law and Jurisprudence to approach the Criminal Justice Section of the New York State Bar Association and urge that a special independent committee be set up to investigate the allegations of bias, to establish definitively whether the allegations are true or false, and to make public its findings.

The resolution sets forth 14 allegations of bias, along with their sources. It further states that as students of the only State University law school, SUNY-Buffalo law students have a special concern in insuring the fundamental fairness of the criminal justice process in New York State.

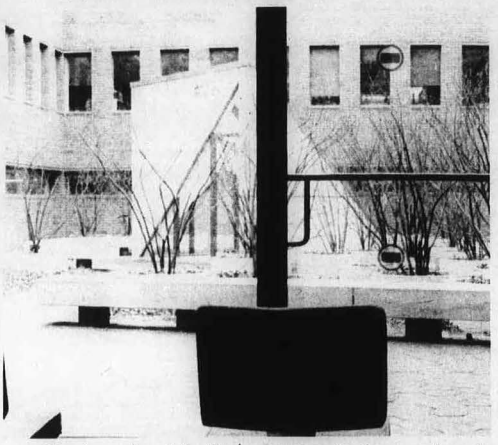
Students working on the staff of Attica Brothers Legal Defense (ABLD) originally tendered the resolution for SBA consideration. According to Laurie Shatsoff, one of the drafters, the concept of such a resolution had been around for some time, but was given fresh impetus by recent published reports that the Grand Jury investigating Attica had indicted a state police officer for the death of one of the hostages killed on September 13, 1971, but that the prosecutor had failed to file the indictment with the Court.

The resolution was first considered at the SBA meeting of April 26, but was tabled when several SBA members voiced a desire to know exact sources for each allegation of bias. These sources were researched by ABLD workers, and submitted on an amended resolution at the May 3rd meeting.

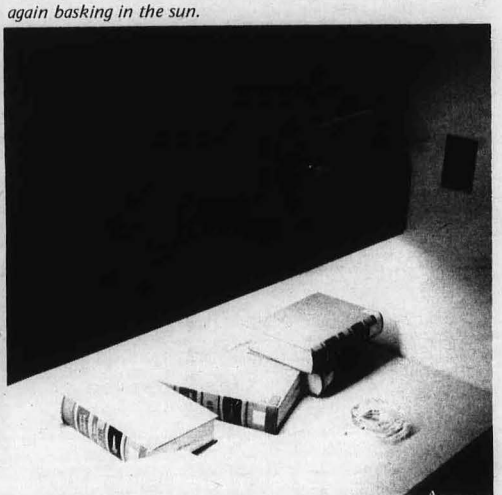
Law School faculty member W. Haywood Burns is currently serving as one of the coordinators of the Attica Brothers Legal Defense effort.

Parting Thoughts

We Wonder . . .



Whether the 5th floor courtyard, now ominously designated the "faculty courtyard," is indeed ever to be opened to students as was promised, back in the heady days of early September. Anyhow, it looks nice every now and again basking in the sun.



Whether the Library will ever see the day when there are more materials on shelves where they belong rather than lying forgotten in carrels or on tables. Note courtesy of a glass ashtray in a facility where there is supposed to be no smoking.